

**ANNUAL REPORT  
OF THE  
ENVIRONMENTAL QUALITY  
SERVICE COUNCIL**



**Indiana Legislative Services Agency  
200 W. Washington Street, Suite 301  
Indianapolis, Indiana 46204**

**December, 1998**

# INDIANA LEGISLATIVE COUNCIL

1998

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# ENVIRONMENTAL QUALITY SERVICE COUNCIL

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Lynn Waters  
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### Staff

Tim Tyler  
Attorney for the Council

Kristin Breen  
Fiscal Analyst for the Council

## **I. STATUTORY AND LEGISLATIVE COUNCIL DIRECTIVES**

The Indiana General Assembly enacted P.L.248-1996 (SEA 138-1996) which established the Environmental Quality Service Council (EQSC) to do the following:

- (1) Advise the Commissioner of the Indiana Department of Environmental Management (IDEM) on policy issues decided upon by the EQSC.
- (2) Review the mission and goals of IDEM and evaluate the implementation of the mission.
- (3) Serve as a council of the General Assembly to evaluate:
  - (A) resources and structural capabilities of IDEM to meet IDEM's priorities; and
  - (B) program requirements and resource requirements for IDEM.
- (4) Serve as a forum for citizens, the regulated community, and legislators to discuss broad policy directions.
- (5) Submit a final report to the Governor, the General Assembly, the Budget Committee, and the Administrative Rules Oversight Committee each year that contains:
  - (A) an outline of activities of the EQSC;
  - (B) recommendations for any IDEM action;
  - (C) recommendations for any legislative action; and
  - (D) an estimate of funding levels required by IDEM, including an evaluation of permit fees.

The Legislative Council also charged the EQSC to study improvement of the environment by greater utilization of compressed natural gas in vehicles (SR 42-1998).

## **II. INTRODUCTION AND REASONS FOR STUDY**

The EQSC met to carry out its responsibilities under P.L.248-1996 (SEA 138-1996).

## **III. SUMMARY OF WORK PROGRAM**

The EQSC held seven meetings during the 1998 interim. The meetings were held on May 8, June 18, August 13, September 10, October 9, November 12, and December 3 at the State House in Indianapolis, Indiana.

- (1) At the first meeting held on May 8, 1998, the EQSC heard the monthly IDEM Commissioner's Report and formed work groups to discuss topics concerning IDEM staffing,

non-point source pollution, Risk Integrated System of Cleanups (RISC), Triennial Review, audit privilege, stream designations, agricultural buffer zones, wellhead protection, and underground storage tanks. (The work groups were to report to the full EQSC during future meetings. These work groups eventually became official EQSC subcommittees.)

(2) At the second meeting held on June 18, 1998, the EQSC heard the monthly IDEM Commissioner's Report, received copies of the RISC Work Group report and copies of IDEM's response to comments presented to the RISC Work Group, and received copies of the Non-Point Source Pollution Work Group report.

(3) At the third meeting held on August 13, 1998, the EQSC heard the monthly IDEM Commissioner's Report and heard testimony concerning IDEM's RISC policy, triennial review of water quality standards, and Indiana's environmental audit privilege law.

(4) At the fourth meeting held on September 10, 1998, the EQSC heard the monthly IDEM Commissioner's Report, received copies of the Agricultural Buffer Zone Subcommittee report, received copies of the first set of Triennial Review recommendations from the Triennial Review and Audit Privilege Subcommittee, and heard testimony concerning problems with a proposed asphalt plant in Ripley County.

(5) At the fifth meeting held on October 9, 1998, the EQSC heard the monthly IDEM Commissioner's Report, received copies of the IDEM Staffing Subcommittee report, heard an update on developments concerning the Indiana audit privilege statute, and received a second set of triennial review recommendations from the Triennial Review and Audit Privilege Subcommittee.

(6) At the sixth meeting held on November 12, 1998, the EQSC heard the monthly IDEM Commissioner's Report, received copies of and voted to adopt the report and recommendations of the Underground Storage Tank Subcommittee, heard and voted to adopt the report and recommendations of the Risk Integrated System of Cleanups (RISC) Subcommittee, heard testimony concerning the triennial review of water quality, heard testimony concerning composting programs, heard testimony about proposals to reorganize IDEM, and heard testimony concerning the practice of power plants dumping ash in coal mines.

(7) At the seventh meeting held on December 3, 1998, the EQSC heard the monthly IDEM Commissioner's Report, heard an update on developments concerning the Indiana audit privilege statute, heard IDEM's 1999 legislative proposals, received copies of a new Non-Point Source Pollution Subcommittee report and voted to adopt the report, voted to adopt the Agricultural Buffer Zone Subcommittee report, voted to adopt the IDEM Staffing Subcommittee report, received information concerning the greater use of compressed natural gas in vehicles, and discussed and voted on the contents of the 1999 EQSC Final Report.

*(The work groups formed by the EQSC became the Agricultural Buffer Zone Subcommittee,*

*IDEM Staffing Subcommittee, Non-Point Source Pollution Subcommittee, Risk Integrated System of Cleanup (RISC) Subcommittee, Triennial Review and Audit Privilege Subcommittee, and the Underground Storage Tank Subcommittee. The work groups and subcommittees met numerous times from May to November 1998.)*

#### **IV. SUMMARY OF TESTIMONY**

(1) First Meeting-May 8, 1998:

In addition to presenting the monthly IDEM Commissioner's Report, John Hamilton, Commissioner of IDEM, said IDEM conducted an internal review of its workload across the state. He said this review led to the decision to create regional offices in Evansville and South Bend. Mr. Hamilton said the Department of Administration (DOA) is conducting the search for office space. He stated IDEM will make a recommendation regarding location and the DOA will give final approval and retain the space.

Tim Method, IDEM Deputy Commissioner, noted that the Lehigh Portland Cement Company has indicated that it intends to proceed with burning tires in its cement kilns within a year.

Mr. Hamilton also discussed the underground storage tank (UST) December 1998 upgrade deadline. He said that during the last four months, IDEM inspectors visited 3,500 UST sites around the state. He stated approximately one-third of the sites were in full compliance at that time, one-third were close to or will be in compliance by the deadline, and one-third were either not on top of the issue or did not intend to be in compliance. Mr. Hamilton continued by stating IDEM will follow up with the latter two-thirds to ensure compliance but details of the follow-ups have not yet been set. Mr. Hamilton also said IDEM will develop a specific enforcement strategy over the next several months. He stated, in four or five counties, IDEM had contracted with the county board of health to conduct the inspections. Mr. Hamilton added that UST Guaranty Fund grant applications will be ready in June.

Mr. Hamilton also reviewed a letter sent to President Clinton by 10 governors, including Governor O'Bannon, regarding nitrogen oxide reductions proposed by the U.S. Environmental Protection Agency (EPA) and reviewed a letter he sent to EPA Administrator Carol Browner regarding nitrogen oxide reductions.

Mr. Hamilton stated that IDEM has conducted meetings in the seven areas of the state that face non-compliance with the new federal ozone standards. He added that local committees have been established in each of the seven areas to help determine how to improve the air quality.

Mr. Hamilton then commented on the clean water action plan recently announced by President Clinton. He said two key parts of the plan are that it is focused on a watershed approach and that President Clinton is seeking substantial increases in resources for non-point source pollution. He added that this would increase resources available to IDEM from several million dollars to \$4

million per year and may require an increased state match.

Mr. Hamilton testified that IDEM has updated the AW-1 confined feeding guidance document. He added that IDEM is currently writing administrative rules governing the operation of confined feeding facilities. Mr. Method indicated that IDEM's goal is to present draft rules to the Water Pollution Control Board by the fall and to adopt rules by the end of the year. Mr. Hamilton also indicated that the rulemaking process will generally not affect current permitting decisions or appeals.

Mr. Hamilton noted that the rules are currently being drafted for groundwater standards, triennial review of water quality standards, and Risk Integrated System of Cleanups (RISC) standards.

(2) Second Meeting-June 18, 1998:

In addition to presenting the monthly IDEM Commissioner's Report, John Hamilton said Indiana exported 205,422 tons of waste in 1997, but Indiana imports more waste than is exported. He also said the amount of toxic chemical releases has declined 9% since 1995, and is down about 67% over the past seven years.

Mr. Hamilton continued by stating the EPA has created some new toxic chemical categories that will be a major problem for some industries such as minimills. He said there is also concern over future EPA regulations concerning the emission of styrene, especially for industries in the Elkhart area.

Tim Method, IDEM Deputy Commissioner, discussed IDEM's response to comments concerning the RISC Subcommittee. Mr. Method stated the public will be allowed to influence the RISC Technical guide and Program User guides. He said IDEM will be taking more public comments and work shops will be held around the state to assure participation. He also said IDEM will produce a revised draft later this summer and again in the early fall.

(3) Third Meeting-August 13, 1998:

In addition to presenting the monthly IDEM Commissioner's Report, John Hamilton, stated that while IDEM had reduced unfunded, empty positions, there were no plans to cut any current IDEM staff.

Mr. Hamilton said that IDEM's RISC policy was to set consistent standards for cleanups across the agency that would create more predictability while retaining regulatory flexibility. He said that this RISC policy was "a work in progress" and that dialogue was continuing.

John Kyle from Barnes and Thornburg said that IDEM's RISC policy was "critically important" for the State of Indiana because it was the key to cleaning up contaminated sites in the state, including Brownfield sites and other old industrial sites. However, he said that one of the main

problems in creating a RISC policy is that "you never know how clean is 'clean enough.'" He stated that only sites that actually pose a risk should be cleaned up.

Mr. Kyle continued by stating he felt that IDEM's current RISC policy document was not consistent with such laws as the state voluntary remediation law.

Mr. Kyle said the IDEM RISC policy document is inconsistent with the voluntary remediation law because it does not allow applicants to substitute site specific values for default values in IDEM's standard equations and it does not allow the utilization of pure risk assessment based on site specific risk assessments.

Mr. Kyle also said the IDEM RISC policy document does not accomplish statutory mandates that require IDEM to ensure that remediation and closure goals, objectives, or standards for activities performed under the Resource Conservation and Recovery Act and underground storage tank laws are not inconsistent with the voluntary remediation law.

Mr. Kyle continued by stating that clean up caps employed by IDEM are arbitrary "non risk" policies that are inconsistent with true risk based clean up objectives and may not be related to the actual amount of risk that might be present at a clean up site. He also said IDEM's antidegradation of ground water policy did not employ true risk based remediation objectives.

Mr. Kyle concluded by stating that a true collaboration and dialogue had been missing from IDEM's process of formulating a RISC policy. He said he would like to see a "blue ribbon panel" formed to consider this issue.

Jeff Stant from the Hoosier Environmental Council stated that Mr. Kyle's ideas of a true risk based approach could result in a gross degradation of natural resources. Mr. Hamilton replied that it was important for RISC policy to establish a level of certainty. He said that RISC policy should incorporate known safe levels of pollutants while trying to accommodate a number of different interests.

George Pendency, from the Indiana Gas Company, stated that, instead of creating a policy document, RISC should be issued as a rule. He stated that without formal rulemaking, the regulated community has been denied a meaningful opportunity to comment and has been denied due process. He also said that, without formal rulemaking, there will not be a proper economic impact analysis of IDEM's RISC policies.

Mr. Hamilton said it has been his position to simplify rules by making them shorter and more clear. He said formal rules concerning RISC would create a huge new regulatory process in the Indiana Administrative Code. He also said there were questions about putting RISC into rigid rules that would be difficult to modify while the science and technology in this field was changing very rapidly.

Larry Kane, Chairman of the Environmental Law Section of the Indiana State Bar Association, also stated that there was a problem with statutory consistency concerning IDEM's RISC policies and there was a need for more public comment and participation.

Mr. Hamilton said that IDEM would be holding five RISC policy public meetings around Indiana in September 1998.

Chris Braun, representing the Indiana Petroleum Marketers and Convenience Store Association, said that the uniformity of IDEM's RISC policies had come at the expense of underground storage tank owners and operators. He said most of the underground storage tank owners and operators his Association represented were small, family owned businesses that could not keep up with the growing costs of regulation.

Mr. Braun continued by stating IDEM's "one size fits all" RISC policies were not truly risk based. Mr. Braun also stated that IDEM's environmental notice regulations for underground storage tank owners and other benefits of IDEM's RISC manual seemed to be outweighed by the increased costs and burdensome requirements imposed on underground storage tank owners.

Mr. Hamilton said that there were three components to water quality standards. He said these components included water uses to be achieved and protected, water quality criteria that protect each designated use, and an antidegradation policy and methods to implement the policy.

Mr. Hamilton said the critical remaining issues for the current review included new narratives for biological criteria, numeric criteria for certain parameters (including parameters for mercury, arsenic, silver, and ammonia), special designation of water bodies, antidegradation methodology and implementation for all waters, non-point source issues, wet weather issues, and public participation opportunities.

Mr. Kane stated IDEM's antidegradation policies would result in better water quality than what is actually needed for many water bodies. He said that, because of its significant consequences to the economy, the state's antidegradation policy should ultimately be decided by the General Assembly.

Mr. Kane also said that because designating certain waters as Outstanding State Resource Waters or Outstanding Natural Resource Waters will have the practical impact of imposing even more onerous antidegradation standards on those waters than would otherwise apply, the General Assembly should also decide which state waters receive these special designations.

Mr. Kane stated that rulemaking concerning certain issues (including narrative criteria for sediments and use designations and antidegradation policy for wetlands) related to the triennial review should be postponed until the issues become more fully developed under the EPA's July 7, 1998, Advance Notice of Proposed Rulemaking.

Scott Schutte, Senior Project Manager with the City of Indianapolis, said four water quality topics that were of special concern to municipalities included wet weather and E.coli, special designations and antidegradation, "reasonable potential to exceed," and wetlands.

Mr. Schutte proposed establishing tiered permits for Publicly Owned Treatment Works and use modifications during wet weather. Mr. Schutte also said that the original EPA statistical analysis that set water quality standards for E.coli was flawed. He asked the EQSC to recommend that IDEM be more responsive to municipalities on these issues.

Mr. Schutte also stated the triennial review process should include a component that evaluates the attainability of designated uses of certain state waters and adjust the use designation to reflect realistic expectations. He also said the draft rules concerning antidegradation would severely limit economic growth in many areas and asked IDEM to consider the effects of the rules and review the language of earlier draft rules.

Mr. Schutte continued by stating that "reasonable potential to exceed" was a procedural process by which effluent limitation requirements are determined. He said the IDEM draft rule adds many new requirements that will add to the number of effluent limitations. He said many of the effluent limitations apply to common materials that are naturally found in waters at levels that are higher than the discharge allowance. Mr. Schutte asked that IDEM reconsider this language and be willing to return the system to an objective test that only puts limits on true pollutants.

Mr. Schutte also stated that the draft rules would apply stream water quality standards to treatment wetlands that are used as a reasonable alternative to provide relief to treatment facilities or for pollution control of non-point source pollution. He said the rules would not allow these wetlands to be used for these purposes.

Rae Schnapp, from the Hoosier Environmental Council, stated that proposals for multiple use waters created a "giant loophole" that would allow degradation. She also proposed that Outstanding State Resource Waters should be maintained in their present high quality without degradation unless the new or increased discharge is accompanied by an overall improvement in water quality.

Ms. Schnapp also stated that environmental protection was not at odds with economic development. She said high water quality will also attract growth to an area.

Tom Cobb from IDEM discussed issues concerning Indiana's environmental audit privilege. Mr. Cobb said that he had just received the fourth draft of an Indiana Attorney General opinion that addressed the four areas of concern EPA had with the Indiana law. He said that if the EPA accepted all of the Attorney General opinion, there would be no need for the legislature to amend the audit privilege statute. He said if that happened, Indiana would be the only state to resolve its environmental audit problems with the EPA with just an Attorney General opinion.

(4) Fourth Meeting-September 10, 1998:

Matt Rueff, Assistant Commissioner for the Office of Water Management at IDEM, presented the monthly report from the IDEM Commissioner's office.

Tom Neltner, Assistant Commissioner for the Office of Pollution Prevention and Technical Assistance at IDEM, discussed the Simple Steps for Families campaign announced by IDEM and Indiana First Lady Judy O'Bannon. Mr. Neltner said the goal of the program is to educate families to make their homes safer for children by preventing exposure to common household dangers such as second-hand smoke, mercury, lead, radon, pesticides, and household chemicals. Mr. Neltner said the program would provide information by means of posters, billboards, brochures, and the Internet.

Mr. Rueff stated that IDEM had recently gone from having four Deputy Commissioners to having two Deputy Commissioners in an effort to "flatten out" the IDEM leadership structure. He said the changes should make IDEM more efficient.

Representative Cleo Duncan stated that several residents of Ripley County were present to discuss a problem they were having with a company that wished to build an asphalt plant in their community.

Representative Duncan said the Ripley County Commissioners had rezoned property to an industrial classification thinking that the Paul H. Rohe company would use the property for a storage facility. Instead, she said the company planned to build an asphalt plant. Representative Duncan said many of the County Commissioners have indicated they would not have rezoned the property if they had known an asphalt plant would be built on it.

Lynn Cruse from Sunman, Indiana, representing Residents Against Polluting Environments (R.A.P.E.), discussed materials concerning the attempt by the Paul H. Rohe Company to obtain the necessary permits from IDEM to operate the asphalt plant and also concerning the health and other environmental problems associated with the operation of asphalt plants.

Ms. Cruse stated that a multimedia approach was needed in IDEM's current air permit process. She also stated that the Ripley County Commissioners felt as if they had been tricked by the Rohe Company.

Ms. Cruse stated that IDEM held a public hearing concerning the air permit for the asphalt plant on July 22, 1998, and more than 200 people attended the meeting. She also said that even though the asphalt plant affected a small, rural community, more than 1,000 people had signed a petition opposing the facility.

Ms. Cruse also stated that the Paul H. Rohe Company had committed violations at other sites they operate in Indiana and should, therefore, be denied a permit to operate the asphalt plant

because that showed a lack of the necessary good character to obtain a permit from IDEM.

Ms. Cruse also said the asphalt plant would result in the release of ground level fugitive emissions that are not taken into account in the air permitting process but would still cause a serious risk to human health and the environment. She said the EPA was concerned enough to have recently completed a study concerning ground level fugitive emissions. She said the EPA would release its final report during the fall of 1998. Ms. Cruse said North Carolina had declared a moratorium on the construction of new asphalt plants until the EPA makes its final recommendations on ground level fugitive emissions.

Ms. Cruse also stated the asphalt plant could cause the release of formaldehyde into the air and water. She said she felt a plan to change the natural drainage on the site of the asphalt plant so that water would drain onto state property instead of private property was being done by the Rohe Company to avoid detection of water pollution.

Ms. Cruse concluded by stating her group had contacted many state and local agencies concerning the asphalt plant but had been turned away by all of them. She asked if people had to die before somebody took notice and did something about their problem. She asked the EQSC to tell her where she should go for help with this issue.

Mr. Manders stated that since the County Commissioners had apparently caused the problem, they should be the first group of people to try to solve the problem. He said if the County Commissioners fail to act, Ms. Cruse's group may want to consider suing them.

Mr. Rector said that there were many things the County Commissioners had in their control that they could use to stop the plant from operating. He said these things included taking such actions as lowering weight limits on roads leading to the asphalt plant or not approving plans to alter regulated drainage ditches.

Mr. Rueff indicated he would be happy to meet with Ms. Cruse and discuss her problems. Representative Kruzan also stated Ms. Cruse may want to contact Richard Fish from Bloomington, Indiana. He said Mr. Fish helped stop an asphalt plant from being built in Monroe County.

Grant Smith from the Citizens Action Coalition said the problem Ms. Cruse described was a recurring one. He said the public does not know what is going on until after closed door negotiations have occurred and then it is too late. He was also concerned that, even though property values would be lowered around the asphalt plant, there was no basis to deny the permit because of this.

#### (5) Fifth Meeting-October 9, 1998:

In addition to presenting the monthly IDEM Commissioner's Report, John Hamilton, discussed

the new structure and management team at IDEM. He said IDEM has reduced the number of senior managers and increased the involvement of assistant commissioners in IDEM's responsibilities.

Mr. Hamilton also said the media advisories included an announcement about a major urban air toxic project. He stated that fixed and mobile air monitoring canisters would be placed in Lake, Elkhart, Marion, and Vanderburgh Counties to measure ambient air quality. He said the focus of this project would be on "what people are breathing" as opposed to what comes out of a specific smokestack.

Mr. Hamilton also discussed IDEM's plan to create a new office tentatively called the "Office of Land." He said this new office would combine the Office of Environmental Response with the Office of Solid and Hazardous Waste.

Mr. Hamilton said there were several benefits that could be achieved by work sharing and closer coordination between these two offices. He said the benefits included enhancing the ability to work on the common goals of properly managing wastes and cleaning up wastes dumped or disposed of on Indiana land and increasing efficiency and effectiveness by centrally directing resources. Mr. Hamilton said IDEM should have an organizational structure designed for this new office by the end of the year.

Mr. Hamilton also gave a summary of the IDEM presentation recently made to the State Budget Committee. He said highlights of 1999-2001 budget improvements included a change in the IDEM spending structure in which every federal dollar would be spent first, then dedicated funds would be spent to the fullest extent possible for their dedicated purposes, and only then would state General Fund money be spent.

Mr. Hamilton said other highlights included developing costs for agency-wide services and developing activity-based budgets to match IDEM areas of service.

Mr. Hamilton said that the total proposed IDEM budget for Fiscal Years 1999-2001 was \$245,266,000 of which 51% would come from dedicated funds, 22% from federal funds, and 27% from the state General Fund. He said this compared with a total budget for 1997-1999 of \$198,786,000 of which 42% came from dedicated funds, 27% from federal funds, and 31% from the state General Fund.

Mr. Hamilton said that IDEM staffing levels had approximately doubled since 1986. He said that while he projected a significant reduction in temporary employees, the total number of IDEM employees should remain "flat" for the next biennium.

Mr. Hamilton also said IDEM wanted to unify fee billing across the agency, eliminate paperwork permit requirements for more than 1,500 facilities, cross-train inspectors, and modify hazardous waste manifest reporting.

Mr. Hamilton concluded by stating that the major initiatives that faced IDEM over the next two years included new clean air standards, confined feeding issues, lead paint abatement, and, in the water program, issues concerning total maximum daily loads.

Mr. Hamilton said that Indiana's low unemployment rate has contributed to hiring problems at IDEM. Mr. Hamilton continued by stating that IDEM may not need to hire more people but may instead need to redesign how the work is done.

Mr. Hamilton also said that while he supported some of the specific Subcommittee recommendations such as those concerning dual career tracks and the use of temporary positions, he said his job was to make certain that work done by IDEM was done efficiently. He said he would have to spend more time studying the other recommendations.

Dave Hensel, Assistant Commissioner for Legal Affairs at IDEM, updated the EQSC on developments concerning the problems the EPA had with the Indiana audit privilege statute. Mr. Hensel said that, as far as the EPA Region V office in Chicago was concerned, a draft Opinion Letter from the Indiana Attorney General had resolved issues involving information gathering authorities, information needed for injunctive relief, public access to information, and citizen challenge to assertion of privilege. He said the letter had been forwarded to the EPA Headquarters in Washington.

Mr. Hensel said that certain criminal provisions in the statute would probably have to be amended by the General Assembly to satisfy the EPA. He said he hoped to hear from the EPA in Washington within a month and have a final report on the audit privilege statute by the EQSC's November meeting.

Mr. Hamilton said the EPA cannot point to any problem that has ever been caused by Indiana's audit privilege law. He said too much energy had already been spent on this "distracting" and "frustrating" issue. He stated the EPA had taken an extremely legalistic approach to this matter and it has "spun out of control."

Mr. Hamilton then said he wanted to note that IDEM's participation in EQSC Subcommittee meetings, such as those of the Triennial Review and Audit Privilege Subcommittee, did not mean that IDEM endorsed all of the recommendations made by the Subcommittees. He said that Triennial Review was an extremely important, complicated, and ongoing process.

Bill Hayden from the Hoosier Chapter of the Sierra Club stated that until rulemaking concerning the Triennial Review process was completed, he felt it was not a good idea for someone to pursue legislation that would second guess the process or change the rules in the middle of the process.

(6) Sixth Meeting-November 12, 1998:

Tim Method, IDEM Deputy Commissioner, presented the monthly IDEM Commissioner's report. Mr. Method also said a work group had been developing draft rules concerning confined feeding for about one year. He stated the final rules would probably not be ready to present to the Water Pollution Control Board until March 1999 at the earliest.

The EQSC members voted unanimously (by voice vote) to include the EQSC Subcommittee Reports in the 1998 EQSC Final Report.

The EQSC members voted unanimously (by voice vote) to adopt the Underground Storage Tank Subcommittee Report and recommendations.

Tim Method from IDEM indicated that the agency was prepared to enforce the December 22, 1998, underground storage tank upgrade deadline.

Mike Pitts, representing the Indiana Petroleum Marketers and Convenience Store Association, stated his industry wants to see the December 22 deadline enforced. He said IDEM's enforcement strategy was contingent upon IDEM "being out there" and following up on reports of noncompliance. He also said he hopes the EQSC will stay on top of the issue and monitor IDEM's enforcement.

The EQSC members voted unanimously (by voice vote) to adopt the RISC Subcommittee Report and recommendations.

Scott Schutte, Senior Project Manager from the City of Indianapolis discussed the triennial review of water quality recommendations Mr. Schutte said he was representing the Intermunicipal Task Force (ITF). He stated the ITF has reviewed the recommendations of the Triennial Review Subcommittee and agreed with the general concepts.

Mr. Schutte continued by stating IDEM must devote more time and effort toward collecting water quality data to enable the agency to make informed decisions. He said IDEM should use local knowledge and data to better evaluate the conditions of streams.

Mr. Schutte continued by saying legislation is needed that gives IDEM the authority to reasonably deal with wet weather situations, including the ability to have tiered permitting. Mr. Schutte also said wetland policy needs to be decided at the state level and the antidegradation policy needs to be improved.

Mr. Schutte continued by stating that the designation of a body of water as an Outstanding Natural Resource Water should not be made without the approval of the General Assembly. He also said a technical advisory group should be formed to review the manner in which special designations are created and applied.

Mr. Schutte concluded by stating further study is needed to understand the interactions between

sediment and the water column and that biocriteria should not be a standard that is used in permit requirements.

Glenn Pratt said IDEM needed the authority to issue tiered permits and legislation should be passed if necessary. Mr. Pratt also said there were numerous problems with cities separating combined sewer overflows. He said separating sewers can cause cities to have difficulties addressing urban runoff problems.

Bill Hayden, representing the Sierra Club, asked the EQSC to reject the recommendation of the Triennial Review Subcommittee that IDEM cease further action on its proposed Wetlands Water Quality Standards rules.

Mr. Hayden encouraged the EQSC to urge the General Assembly to provide adequate state funding to both the Indiana Department of Natural Resources and IDEM to carry out their roles and responsibilities related to wetlands conservation and protection. Mr. Hayden added that wetlands must be part of Indiana water quality standards. He also said water quality rules must include biocriteria.

Jeff Langbehn, Director of the Lake County Solid Waste Management District, stated that more composting programs would help the state reduce the amount of solid waste disposed of in Indiana landfills by 50% before the 2001 target date.

Mr. Langbehn asked the EQSC to look into the possibility of "streamlining" the ability of private sector entities to receive grants from IDEM to develop these composting programs.

Mr. Langbehn stated the authority for IDEM to provide these grants to private entities could not be found in any statute. Mr. Langbehn said he was aware that there was a problem with providing money to the private sector in that IDEM did not have the same ability to "keep track" of the money when it went to a private entity as opposed to a government entity.

Tom Neltner from IDEM agreed that a major issue concerning IDEM providing grants to private sector entities involved "due diligence." He also said IDEM would be concerned about possibly preempting the solid waste priorities of local governments and solid waste management districts.

Mr. Langbehn said loans may not be as encouraging to small business people as "absolute grants" would be.

Mr. Langbehn said the creation of lien interests might help secure the state's interests under the terms of a grant. He said solid waste management districts would be willing to facilitate this approach to a grant program.

Louise Hawthorne, representing a "number of solid waste management districts," added that the genesis of the idea concerning composting facility development grant programs came from

proposed legislation Representative Wolkins had drafted for the 1998 legislative session.

Rae Schnapp from the Hoosier Environmental Council discussed the proposed IDEM reorganization. Ms. Schnapp said this IDEM reorganization would merge the Office of Environmental Response and the Office of Solid and Hazardous Waste Management into a new "Office of Land." She said this merger was not consistent with recommendations made by the IDEM Staffing Subcommittee and amounted to a "shell game."

Ms. Schnapp continued by stating she felt the merger would aggravate long standing staffing and management problems at IDEM and result in a decrease in IDEM efficiency and effectiveness. She asked the EQSC to encourage IDEM to delay a final decision on the merger and have the external analysis of IDEM staffing performed as recommended by the IDEM Staffing Subcommittee.

Tim Method from IDEM stated that the merger would allow IDEM to take the best advantage of its resources. He said the merger would allow IDEM to organize "functionally" rather than "programmatically." Mr. Method said that while the merger plans were moving ahead, IDEM would willing to sit down and talk to anybody about the merger and its effects.

Mr. Method said the plans for the new "Office of Land" should be in place by the end of the year.

Mr. Goodwin said that while IDEM staffing may not be adequate, it was better than DNR's Division of Reclamation. He said the EQSC should consider recommending that IDEM be given some oversight over the practice of power plants dumping ash in coal mines.

Mr. Goodwin said he had represented the Hoosier Environmental Council as an attorney in an action concerning this matter. He said the action resulted in the Natural Resources Commission (NRC) recognizing that more controls and regulation over this practice were needed. He said an administrative decision by the NRC asked for draft rules to be written to address this issue.

Mr. Goodwin said that a year and a half after the NRC made this administrative decision, the draft rules as written would actually weaken regulation of electric power plants dumping ash in coal mines. He said the process had been a "complete waste and a double cross."

Mr. Goodwin added some of this ash was coming in from outside Indiana. He said IDEM had to put back in this regulatory process somewhere.

Mr. Carnahan said he was "the complete opposite" of Mr. Goodwin on this matter. Mr. Carnahan said he thought this ash was already a permitted waste and "not quite as bad as we think."

Mr. Hayden said the draft rules gave the appearance of regulation without providing any substance. He said there was nothing in the draft rules that really regulates anything. Mr. Hayden added that the draft rule was not what the work group who drafted it was directed to do by the

NRC. He concluded by saying he saw a "war over this" issue coming.

Glenn Pratt said he supported a resolution or legislation to address the issue of low flow in streams before it became a major problem during the next drought. Mr. Pratt also said he supported Rae Schnapp's comments concerning the IDEM reorganization.

Tim Method from IDEM stated that the two year Wildcat Creek pilot watershed program would conclude in June of 1999. Mr. Method said that at the end of this two year period, IDEM would have some experience with these programs to use in other areas of the state. However, Mr. Method said other groups could discuss these programs with IDEM before June of 1999.

(7) Seventh Meeting-December 3, 1998:

In addition to presenting the monthly IDEM Commissioner's Report, Mr. Hamilton said IDEM will join the EPA to build and operate a \$2.1 million water treatment plant at the Lemon Lane Landfill in Monroe County. He said the plant will remove polychlorinated biphenyls (PCBs) and other contaminants from water affected by the landfill.

Mr. Hamilton said IDEM and the EPA will seek to recover these costs from the current owner, CBS/Westinghouse.

Mr. Hamilton also discussed issues raised at previous EQSC meetings concerning use of money in dedicated funds to cover the costs of agency wide IDEM services. Mr. Hamilton said that approximately 150 federal and state accounts fund IDEM operations. He said that under the new system IDEM used to calculate its budget for the next biennium, an agency wide services adjustment of approximately 15% was applied to each of these accounts.

Mr. Hamilton continued by stating that IDEM also considered having employees who provide agency wide services keep detailed records of the time spent working in areas funded by specific accounts and then using these records to bill the specific accounts. Mr. Hamilton said this system would probably "exhaust IDEM" with all the accounting detail.

Mr. Hamilton said he did not think it was illegal for one dedicated fund to "subsidize" the expenses of another dedicated fund. He said the law allows for payment of administrative expenses to be made from dedicated funds. He said IDEM legal staff had also examined this issue and did not think it was a problem.

Dave Hensel, Assistant IDEM Commissioner for Legal Affairs, said that he believed "we are there" concerning negotiations with the EPA about Indiana's audit privilege law. He said the letter from Indiana Attorney General Jeff Modisett addressed most of the concerns EPA had with the Indiana statute. However, he said legislation would be needed to eliminate the Indiana audit privilege law's application to criminal matters and to make some small changes to the "interplay" with the public records law before the EPA would be completely satisfied.

Mr. Hamilton said IDEM would forward the Attorney General letter and the proposed statutory changes to the EPA on December 9. He said he then expected a response from the EPA that the Indiana audit privilege law was no longer an issue with the EPA.

Mr. Hamilton added, however, that the "deal is off" with the EPA if the statutory changes are not made by the General Assembly.

Mr. Hamilton stated that he was "frustrated that the EPA put us through this." He said, up to this point, the Indiana audit privilege statute had never been invoked.

Erika Seydel Cheney from IDEM's Office of Business and Legislative Relations discussed IDEM's legislative agenda for the upcoming 1999 Session. She stated that, in addition to the audit privilege amendments just mentioned, IDEM would also be asking for changes to be made to the law concerning sewage hauler permits and changes to be made to some definitions found in Title 13 of the Indiana Code that were necessary to "satisfy the EPA."

The EQSC members discussed the contents of the new Non-Point Source Subcommittee Report and recommendations.

Tim Method, IDEM Deputy Commissioner, stated the State Department of Health issues guidelines concerning design and construction of septic tanks systems. Mr. Edgemon stated he felt these guidelines were not being "universally administered."

Mr. Hamilton said that, even with the State Department of Health guidelines, many septic systems in the state were not working properly. Mr. Hamilton also said IDEM's current approach to non-point source pollution, including the use of watershed pilot projects, amounted to a "new ball game" for the agency. He said it was difficult for IDEM to currently know exactly what changes may need to be made to the way IDEM approaches non-point source pollution issues in the future. He added, however, that the Subcommittee report "hits a lot of key issues."

The EQSC members voted unanimously (by voice vote), with Mr. Hamilton abstaining, to adopt the Non-Point Source Subcommittee Report and recommendations.

The EQSC members voted unanimously (by voice vote) to adopt the Agricultural Buffer Zone Subcommittee Report and recommendations.

Tim Maloney from the Hoosier Environmental Council asked the EQSC to include a provision in the IDEM Staffing Subcommittee report that recommended that IDEM should delay the merger of the Office of Environmental Response with the Office of Solid and Hazardous Waste to create the "Office of Land" until after the external analysis of IDEM staffing recommended in the report was completed. Mr. Goodwin moved that the Subcommittee report with this recommended delay should be adopted by the EQSC.

Mr. Hamilton said that the issue for IDEM should be what IDEM was going to do to protect the

environment over a given period of time instead of setting specific IDEM staff levels as recommended in the Subcommittee report. He said the merger to create the Office of Land should result in more clean up activities and better environmental protection. He said a delay now would be "disruptive" and he opposed the motion.

Mr. Goodwin stated IDEM should look at the direction it needs to go after an external analysis was completed. He added that IDEM staff reductions were not the direction that IDEM needed to go.

Mr. Hamilton said IDEM staff had not been reduced since he had been Commissioner. He said some unfunded, vacant positions had been eliminated. He also said the reorganization would not result in a reduction of IDEM staff but might result in the shifting of some positions within the agency.

After a brief discussion, Representative Kruzan said he would not recognize the motion to delay the merger of the Office of Environmental Response with the Office of Solid and Hazardous Waste since Senator Simpson, who was Chairperson of the IDEM Staffing Subcommittee, was not present to address the issue and the full Subcommittee had not had a chance to consider the issue.

The EQSC members voted unanimously (by roll call vote), with Mr. Hamilton abstaining, to adopt the IDEM Staffing Subcommittee Report and recommendations as previously presented to the EQSC.

Representative Kruzan then stated that EQSC and IDEM staff had contacted several people to provide testimony concerning the use of compressed natural gas in vehicles as described in Senator Zakas' Senate Resolution 42-1998 that the Legislative Council forwarded to the EQSC. He said that none of the people contacted could attend the meeting. Representative Kruzan said that the Indiana Department of Commerce had provided three documents that contained background information concerning the use of compressed natural gas and other alternative fuels in vehicles. He asked that these documents be distributed to EQSC members.

Tim Method stated that the DNR had jurisdiction over problems with new development filling up natural flood plains. Bill Hayden from the Sierra Club stated that the DNR did not have any authority outside the floodway. He said problems outside the floodway were usually the concern of the Federal Emergency Management Agency and local governments. Mr. Hayden wondered if DNR authority in this area should be expanded.

Mr. Hamilton said that IDEM had issued 400 to 500 confined feeding permits. He said he was not sure how many of these permit applications involved an extension of the time period IDEM had to process the applications. He added that IDEM could legally ask for an extension if an application was not complete.

Mr. Reding stated he had heard of several individual incidents where IDEM had not contacted a permit applicant about the need for additional application information until the very end of the processing period. Mr. Hamilton said he would look into any of these incidents he was told about. Mr. Hamilton added IDEM "should not wait until the very end" to contact applicants.

Mr. Reding also said the proposed confined feeding rules were "too close to home management." He said that earlier Mr. Hamilton had been opposed to being told specifically how to handle IDEM staffing in the IDEM Staffing Subcommittee report and confined feeding operators felt the same way about managing their operations. He said there was a need to "think long and hard" before passing final rules that resembled the proposed rules.

Mr. Hamilton responded by saying the confined feeding rules were "high profile" and "difficult." He said, however, that they were still in the early stages of adoption and not a "done deal." He agreed that much of what was in the proposed rules was similar to the IDEM confined feeding guidance document the agency had been using. However, he said that there had been enforcement problems with using the guidance document.

Mr. Hamilton also said the EPA had been discussing the use of National Pollutant Discharge Elimination System permits to regulate confined feeding operations. Mr. Hamilton said he felt most people would prefer some sort of Indiana regulatory program and not a program involving the use of federal wastewater permits.

Mr. Hamilton said there was no formal public forum set up to address the IDEM reorganization discussed earlier in the meeting. However, he said he was willing to sit down and discuss the issue with any individual EQSC member.

Glenn Pratt discussed a report he had prepared concerning the Wright Coal and Oil Voluntary Remediation Program (VRP) site in Indianapolis. He stated the VRP report contained several inaccuracies and "major flaws" that he wanted to bring to the attention of the EQSC.

Mr. Pratt stated that, if this specific VRP site was indicative of the way the VRP was being run in general, there were major problems with the program. He said more public involvement in VRP projects was needed and VRP staffing and policies may at least need "tuning." He stated the VRP report contained several inaccuracies and "major flaws" that he wanted to bring to the attention of the EQSC.

### **TEXT OF EQSC SUBCOMMITTEE REPORTS**

*(The inclusion of the text of an EQSC Subcommittee Report in this section of the EQSC Final Report does not necessarily mean the EQSC endorses the findings or recommendations contained in the Subcommittee Report. Consult the "Council Findings and Recommendations" section below to determine specific EQSC action.)*

**EQSC  
AGRICULTURAL BUFFER ZONE  
SUBCOMMITTEE REPORT**

The Non-Point Source Subcommittee identified agricultural run-off as a contributor to stream quality degradation. By controlling this run-off as well as other sources, major improvements to water quality can be achieved.

One method of controlling agricultural run-off is the use of conservation buffers. Conservation buffers can take several forms. Depending on location and topography these buffers can be established as riparian buffers, filter strips, grassed waterways, shelter belts, field windbreaks, living snow fences, contour grass strips, or wetlands areas.

When used in conjunction with other conservation methods such as no-till farming, conservation buffers slow water runoff, trap sediments that carry other contaminants, and enhance infiltration and groundwater recharge. These buffers also trap fertilizers, pesticides, and heavy metals thereby preventing surface water contamination. Certain types of buffers are used to prevent soil erosion from winds.

If properly installed, these buffers can reduce erosion by 19 tons of soil per year per acre of buffer. They are capable of preventing up to 50 percent or more of nutrients and pesticides, 60 percent or more of certain pathogens, and 75 percent or more of sediments from entering waterways adjacent to farmland. Clearly, the establishment of conservation buffers along Indiana's waterways would enhance water quality in most all of our watersheds.

The question becomes one of how to interest the farmer in taking land out of production to establish these buffers. Currently there are two programs available in Indiana for establishing buffers. The state provides for property tax relief by reducing the assessment for land used as buffers from \$450 per acre to \$1 per acre. This hardly reimburses the farmer for the income lost by taking the land out of production or the cost of constructing the buffer. Further, the "Red Tape" involved in enrolling land in the program is prohibitive.

The second program is the USDA's Conservation Reserve Program (CRP). Under this program farmers enter into a contract lasting up to 15 years. In return, they receive annual payments equal to the rental value of the land, incentive payment for certain practices, and sometimes can receive cost sharing assistance for establishing the buffer. In Indiana, the annual rental income averages about \$78 per acre. The goal of the program is to establish two million miles of buffers by the year 2002. The program is limited by a cap on the number of acres that can be contracted. Therefore, contracts for land with lower rental values are preferred. This limits participation by Indiana. For example, USDA can establish more acres of buffer in areas where land rental values are lower than Indiana's average \$78 per acre.

Indiana farmers do participate in the CRP program. As of March 1997, Indiana has enrolled over

380,000 acres in the program. However, the limits on the program will result in a reduction of the state's acres that are enrolled. Of the 144,000 acres that will expire, 142,000 have been offered as replacement. Of the acreage offered, only 77,000 acres have been accepted. This results in a net loss of buffers in Indiana.

The USDA program also falls short of fully compensating the farmer for establishing a buffer zone. Currently some funds are available for cost sharing of the expense associated with constructing the buffer. Although the farmer should expect to reduce some costs associated with soil erosion, etc., there is still not a dollar for dollar return. In order for sufficient acreage to be enrolled as conservation buffers, the farmer should be compensated fairly for lost production.

The USDA has other programs that provide greater incentives for farmers. However, these involve participation at the state and local level. For example, the Conservation Reserve Enhancement Program targets federal and state resources to specific projects. The Environmental Quality Incentives Program works with state and local governments to provide financial, technical and educational assistance to meet water quality goals.

It is apparent that methods exist for establishing conservation buffers that would protect Indiana's waterways. From a technical standpoint, we have the ability to improve water quality. If we can make wider use of certain management practices such as no-till farming, nutrient management, winter cover crops, and conservation buffers, we can drastically reduce the impact of agricultural sources on water quality. In reality, without augmenting existing financial and educational assistance, the state will have limited success establishing additional conservation buffers.

## **EQSC IDEM STAFFING SUBCOMMITTEE REPORT**

### **I. Specific IDEM Staffing Recommendations**

A. Immediate need for additional staff is most severe in the Office of Water Management and the Office of Environmental Response.

1. The water quality monitoring and permitting staff should be increased to the current budget manning table level of 289 from its current staffing level of 227 (including temporary staff). This staff level is needed to increase monitoring, develop scientifically sound water quality data, and eliminate the backlog of NPDES permits.
2. The Office of Environmental Response staff should be increased to the current budget manning table level of 160 from its current staffing level of 124 (including temporary staff). There are existing needs in emergency response, state clean up (high risk clean up sites), the voluntary remediation program (VRP), and the developing RISC Program.

B. The Office of Solid and Hazardous Waste staff numbers have declined in recent years. Staff should be manned at the 1996 level of 184 positions to perform current responsibilities.

C. Future responsibilities assigned to IDEM by both the federal government and the Indiana General Assembly will create future needs in staffing.

1. In the Office of Air Management, the Title V and State Implementation Plans for Particulate Matter 2.5 and ozone will create a demand for additional technically sophisticated air pollution control staff.
2. In the Office of Water Management, non-point source pollution issues will require additional staff in the near future.

## II. General State Agency Staffing Recommendations

A. High level scientific, engineering, and other positions requiring technical expertise should be reevaluated with regard to legitimately competitive salaries for the recruitment and retention of qualified personnel. For example, IDEM's chemists, toxicologists, and environmental attorneys should be reassessed and upgraded to recognize the necessary special acquired skills. These positions are currently assessed against incomparable positions such as lab-bench chemists and general practice attorneys.

B. The State Personnel Department should be urged to recognize that the pressure on state agencies to hire additional numbers of staff may create a tendency to lower qualifications. The State Personnel Department must make an effort to ensure that minimum qualifications reflect appropriate levels of education and experience for scientific, technical, and legal staff positions.

C. As previously recommended by a General Assembly study committee and agreed to by IDEM, the State Personnel Department should establish a dual career track for professional positions with substantial regular advancement in compensation accrued from experience and competence in the same area. This will enable IDEM and other departments to recruit and maintain fully competent technical staff in non-managerial career ladders. A system analogous to the federal civil service ranking system should be considered.

D. "Temporary" positions and contract employees should only be utilized for truly temporary work or short term projects. In general, the use of "temporary" positions results in lower staff morale, the lack of consistency, and the loss of invaluable institutional memory. While it may save a few dollars and make state government appear smaller in the short term, in the long term it is "penny-wise and pound-foolish."

## III. Related Issues

A. Water and waste permit fees were increased by the General Assembly in 1994 to provide funding from the regulated community for the processing of permits in a timely manner. The formula, which was established at a 60%/40% ratio, has allowed the hiring of additional

staff to deal with the technicalities of permits and to work through all backlogs. Currently, approximately \$9 million has accumulated in the nonreverting permit fee fund. Legislation should be adopted to establish a system similar to the Clean Air Act permit fee fund accountability mechanism to ensure that the fee fund balance is maintained at a reasonable level and that the monies are used to achieve the identified objectives.

B. An independent external analysis should be conducted to consider whether the number of IDEM employees and the quality of IDEM employees are sufficient to meet the environmental policies and priorities of the administration and the General Assembly.

### **EQSC NON-POINT SOURCE POLLUTION SUBCOMMITTEE REPORT**

The EQSC Non-Point Source Pollution Subcommittee heard testimony from many parties stating that:

- (1) the bulk of present water pollution in Indiana surface waters comes from runoff;
- (2) the primary constituents that degrade water quality result from sediment runoff, improperly operated feed lot waste systems, and failed domestic septic systems; and
- (3) many different federal, state, regional, and local organizations continue to work hard in Indiana to encourage land use practices to reduce that pollution.

The Subcommittee learned that we have made major progress in restoring the waters of Indiana. Indiana municipalities and industries have installed and now operate treatment facilities which have significantly reduced pollution in our waters. We now need to continue our work and increase our efforts on what are now the remaining major sources of pollution.

The water pollutants of dominant non-point concern are:

- (1) nutrients from agriculture fertilizer runoff and septic tank discharges;
- (2) sediments from tilled cropland, construction site runoff and stream bank erosion;
- (3) bacterial and viral disease organisms from septic tank discharge, combined sewer overflow, defective sanitary sewer pipes, and domestic animal wastes;
- (4) pesticides applied to agriculture and urban landscapes; and
- (5) air toxicant deposition.

The protection of Indiana's surface waters is a serious policy issue. Several of the major cities rely on rivers and impoundments for their drinking water supply. It is widely accepted that a cleaner drinking water source provides the greatest protection against exposure to harmful

contaminants. Further, recreational users of these surface waters should be able to fully enjoy these resources. In the future, with a special state commitment, the headwaters and other waters in all Indiana watersheds will be an improved resource for these uses through providing further control of the sources of pollution.

The challenge before us will take many tens of millions of private and public sector dollars to address and many years to implement fully. The state and federal governments have in the past dedicated many hundreds of millions of dollars to assist municipalities in controlling their pollutants. They have also made available low interest loans and tax credits to business and industry to address their previous pollution problems. Comparatively little public funding has gone to assist farmers to help them address agriculture-related pollution problems. In recent years, strong support from the Indiana agriculture community, environmental interest community, and business community has developed for the state to expand its assistance to implement appropriate, effective non-point source control policies. These policies should focus on voluntary efforts and rely as little as possible on regulatory mandates.

We have decided from the testimony that the best ways the 1999 Indiana General Assembly could assist most cost-effectively are:

- (1) to help landowners voluntarily learn about, implement, and maintain sound land conservation practices;
- (2) to provide more trained field personnel to coordinate the many existing local efforts to help landowners take advantage of existing and proposed federal and state programs; and
- (3) to provide cost-sharing funds to extend and expand the existing federal cost-sharing programs.

Farmers and other land owners, while knowledgeable, need to know more about practices that are effective and simple to implement. They need technical assistance from experienced, local people they trust. They need technical assistants that give credible advice appropriate to their specific situation and who are available for the years it takes to assure the technique succeeds.

Farmers also need additional state funds to share in the cost of implementing new practices. It is financially difficult for farmers to invest in practices that are not related to increasing production. Many practices have a long-term payback or remove land from production. State and federal governments, appropriately, develop partial financial packages to promote practices to achieve a variety of important conservation objectives for the good of the whole watershed and the State of Indiana.

In 1987, the Indiana General Assembly initiated "T by 2000" to reduce net annual soil loss in Indiana to be equal to the amount created. Under the T by 2000 program Indiana farmers have been provided trusted, easily accessible educational opportunities, state technical assistance to implement a variety of related state and federal cost-share programs or others programs. The

success of T by 2000 is a clear sign that in Indiana we have a locally based, state coordinated trusted mechanism for assisting farmers. It has also had success in reducing the introduction of sediment from construction site runoff. This has resulted in water quality improvements. The state should now expand and redirect this infrastructure at the broader challenge of more adequately controlling agriculture, construction site and other non-point source pollution of surface waters.

The T by 2000 initiative worked because it was run by experienced local experts with a long established network of expertise and resources, including the federal NRCS, IDNR Division of Soil Conservation, Purdue University Cooperative Extension Service and local soil and water conservation districts. Now this trusted partnership, in cooperation with other state agencies, is positioned to address the Indiana non-point source pollution, a much more complex challenge than previous limited focus on soil erosion.

One proven technique for some non-point source pollution control is vegetative buffer zones. These low grassy areas in depressions that drain croplands and these forested areas along the edge of streams can reduce the amount of nutrients, sediments, and pesticides from reaching the waterways.

The Conservation Reserve Program provides partial assistance to land owners for the construction of these conservation buffers. The goal of the program is to establish a set number of miles of buffers. However, the program has limited resources to achieve the goal. Indiana should seek to augment this program.

The Subcommittee has learned that because of the economics of present day farming, the existing program for promoting non-point source agriculture pollution abatement has proven inadequate to attract an adequate number of Indiana landowners. Indiana must develop and implement more effective administrative education and incentive remedies.

The overall solution will not be a single agency implementing a single program. It will come as thousands of individual Indiana land owners, in cooperation with many local, state, and federal agencies, adjust their land use practices.

The Subcommittee also heard much testimony agreeing that improper residential septic tank-siting and operation are major contributors to bacterial and viral pollution of drains, streams, and lakes. Improper septic tanks in urban, suburban, and rural areas alike pose a threat to public health. It is believed that some 17,000 new septic systems are installed each year. This is believed to be a direct result of urban sprawl.

Indiana must work with local planning agencies to develop policies that control the growth in the number of septic systems.

The subcommittee recommends:

1. The EQSC support the "Clean Water Indiana" legislative initiative of the Association of Soil and Water Conservation Districts or any other legislation that seeks to reduce non-point source pollution for the 1999 Indiana General Assembly. Any funding provided by the legislature should seek to:

- (1) increase state funding to the 92 soil and water conservation district operations from \$13,000 per year to \$23,000 per year;
- (2) add up to \$2 million per year to provide cost sharing for landowner's conservation practices;
- (3) add at least \$2 million per year for additional technical assistant staff at the districts;
- (4) add \$2 million per year to hire 38 watershed coordinators, provide matching grants for local districts to hire district managers, and provide funds to the appropriate state agency to provide training for local watershed work. Much of this effort will likely target agriculture non-point source pollution for construction site runoff prevention, urban runoff controls, and other controls.

2. The EQSC recommends IDNR, soil and water conservation districts, and Purdue University work with the federal conservation agencies and agriculture stakeholders to research, to fashion, and to implement a voluntary grassy vegetative buffer zone initiative for drains through farmland and a voluntary forested riparian buffer zone initiative along stream edges. The goal of the initiative would be to increase by 50,000 the number of acres in Indiana drained through vegetative buffer zones by December 31, 2000.

3. The General Assembly should request the Commissioner of Agriculture to study and recommend to the Governor and the General Assembly a coordinated program and appropriate state resources for technical assistance and cost-share for priority agriculture non-point source pollution challenges by November 1, 1999.

4. The General Assembly should request the Commissioner of the Indiana Department of Environmental Management to convene a special task force of stakeholders to report to the Governor and General Assembly by November 1, 1999 about the contribution to surface water pollution of existing and future septic tanks in Indiana under current policies. The Commissioner should also recommend changes to existing septic tanks to achieve better surface water quality policy through improved septic tank policy.

**EQSC RISK INTEGRATED  
SYSTEM OF CLEANUPS (RISC)  
SUBCOMMITTEE REPORT**

The Indiana Department of Environmental Management (IDEM) updated the Subcommittee on the current status of RISC development and agency plans leading up to implementation. Tom

Linson, with the Office of Solid and Hazardous Waste Management, outlined plans for implementation, highlighting that the RISC Technical Manual will be reissued in late January 1999, with further improvements to occur over the balance of the year. Programmatic User Guides will be released in draft form concurrently with the Technical Manual, with training and implementation to follow. Bob Moran, with the Office of Emergency Response, highlighted main concerns expressed with the initial Technical Manual, presented some case study cost comparisons of RISC versus the Voluntary Remediation Program (VRP) and the leaking underground storage tank (LUST) program. He provided an overview of the anticipated impact of RISC on the VRP program. IDEM further offered that there had been meetings held with a few interested parties to obtain further input, but that a formal comment period was not planned.

From the testimony obtained from interested parties, it is clear that RISC is a huge undertaking, and may be the largest IDEM undertaking never to have gone through rulemaking. However, the consensus of the parties present was that the process needs to continue to move forward, but with some safeguards and a structure that will allow improvement to occur.

Based on the study of this issue and the testimony of all parties, the RISC Subcommittee makes the following recommendations:

- \*A formal 90-day comment period should be established upon the issuance of the revised Technical Manual and draft User Guides.

- \*A longer transitional period should be considered for full implementation of RISC. IDEM has indicated a transitional period of three months, while other parties to this process believe a longer, more deliberate transitional period will allow greater flexibility and will assist IDEM in identifying areas of improvement to the RISC program.

- \*IDEM should identify outside interested parties to participate in its internal RISC groups in order to receive more diverse input.

- \*At the conclusion of the implementation of RISC, IDEM should provide a report to the EQSC regarding the successes and failures of RISC. This report should include the number of sites in each program area, the number of sites utilizing RISC versus historical programs, an assessment of the RISC program, and potential program improvements that would increase the confidence or cost-effectiveness of remedial cleanups within the state, or would otherwise increase the number of sites remediated.

- \*RISC should be consistent with Indiana statutes.

**EQSC**  
**TRIENNIAL REVIEW AND AUDIT PRIVILEGE**  
**SUBCOMMITTEE:**  
**Triennial Review Report**

The Triennial Review Subcommittee has surfaced seven policy issues which are both a major concern of many parties and are worthy of consideration by the General Assembly.

A. The state must develop an adequate surface water quality data base to make wise surface water policy decisions.

Data on ambient surface water quality is essential for the implementation of many state programs related to water quality protection, as well as for future policy making on water quality issues. The data are now inadequate for efficient and effective surface water quality protection in Indiana.

Scientific study is needed to understand which uses of various portions of various state water bodies are technically possible. Study is needed to know where the waters are not meeting the quality to support those uses. It is needed to find the reasons for the water quality problems. It is needed to determine the real toxicity of various key parameters in various Indiana waters. Some particular data needs include identification of waters with impaired water quality under Section 303(d) of the Clean Water Act, the development of total maximum daily loads for impaired waters, and implementation of antidegradation policy.

The state generally does not possess adequate water quality data to enable effective implementation of these programs. Thus, it is necessary for the state to develop and implement a strategy for acquisition of a sound water quality data base. This must be made on the basis of various state watersheds.

The General Assembly should adopt legislation to establish a broad-based task force to recommend by November 1, 1999, a comprehensive state surface water quality database collection strategy and recommend adequate levels of funding and technically qualified staff to implement the strategy.

B. The state must create statutory authority to issue NPDES permits with both dry weather and wet weather limits.

NPDES effluent limits that are derived from water quality standards for aquatic life protection are currently based on the lowest seven day flow in a 10 year period. For normal stream flows, this policy means the concentrations in the streams are well below the concentration of the quality standards. The aquatic life is very protected.

Presently, combined storm and sanitary sewers in older Indiana cities and towns make a major

contribution to water quality challenges during storms. Unfortunately, the current IDEM permit requirements discourage maximizing secondary treatment for heavy metals, viruses and bacteria treatment during these special times. Policy should be established to (1) allow maximized use of secondary treatment during wet weather and (2) have design criteria in place so municipalities will have clear and achievable direction to reduce untreated storm-related discharges.

In addition, the present IDEM combined sewer overflow strategy requires total "elimination" of all overflows at all times. Because this is not feasible, immunity is state law should be granted for especially high flows when an approved system is in place to significantly reduce the discharge.

The General Assembly should provide IDEM clear legislative authority to issue NPDES permits with different effluent limits for wet weather conditions than for dry weather conditions. Authority is particularly needed when (1) the wet weather directly causes an increase in effluent flow (such as with a combined sewer system) and (2) the wet weather limitations would allow a greater volume of wastewater to be treated and would result in a net improvement in water quality in the receiving stream.

The General Assembly should establish authority for the Water Pollution Control Board to establish rainfall control design criteria for a municipal sewage collection and treatment system to significantly reduce discharge to waters of the state.

#### C. The State must create a coherent wetland policy.

Wetlands, in their many different types and with different natural functions, serve as a valuable natural resource. The Triennial Review rulemaking is proposing to change the authority of IDEM regarding the protection of wetlands. Currently, IDEM has authority to evaluate and certify for a Corps of Engineers' 404 permit for dredged or fill material that a project does not impact state water quality standards. The intent is that a project which results in an impaired use of state waters should not be granted the federal 404 permits.

The proposed change would grant the IDEM authority to determine if the wetland itself should be saved, under what circumstances it should be saved, and which type of land use change is worth wetland destruction. Because this expanded authority concerns land use and value of property in a politically contentious policy arena, it is important for the General Assembly first to establish the general principles of a state wetlands policy. Certain questions such as the following must be considered in developing those principles.

Which types of wetlands does the State of Indiana wish to protect? How many acres of these exist? What is the ultimate objective of a state wetland program: promotion of many isolated wetlands of different types or promotion of corridors of wetlands and large wetlands? What are the priorities for different types of wetlands and for different functions wetlands could serve in specific locations? How are conflicts among wetland functions to be resolved? Should the state

have an independent policy from that of various federal agencies? Should the state assist with mitigation banking to achieve state and federal objectives? Which state agency should make the decision for the state to deny a particular land use in favor of the value of a particular wetland? What is the time frame that a state decision involving a wetland dredge and fill material permit must be made within?

The General Assembly should establish a commission to answer the critical wetland policy questions and report back before December 1, 2001, with recommendations about an Indiana wetland policy. The Water Board may not promulgate regulations changing the nature or extent of the IDEM authority over wetlands until the completion of the study.

D. The State should have an antidegradation regulation consistent with federal regulation but must not include more precise conditions until the current federal antidegradation rulemaking establishes the national policy on such directions.

The current Indiana antidegradation language in effect for years grants IDEM the power to implement an antidegradation policy to the same degree of specificity as present in the federal regulation. The federal government is in the midst of antidegradation rulemaking to resolve what it says is inconsistency among states as they apply this vague regulation.

The NPDES permit policy says that all discharges must be such that the water quality standards in the receiving waters are always met (therefore all its designated uses always protected). The antidegradation policy says that, even so, all increased discharges must be demonstrated to have social or economic value beyond the "degradation" the incremental increase might pose. "Degradation" is not defined operationally.

Any future Indiana policy or regulation on antidegradation (a) should be consistent with federal regulation, (b) have a specified de minimis amount of projected concentration increase in the receiving waterbody which triggers the requirement for an antidegradation demonstration, and (c) have a clear notion of how to evaluate the factors in a demonstration including, but not limited to, (1) employment, (2) production, (3) community tax base, (4) housing, and (5) correction of environmental or public health problem.

We note that Indiana does have a specific antidegradation policy applying to bioaccumulative chemicals of concern which are discharged into waters draining into the Great Lakes. The reason for this special antidegradation protection is clear (to protect these lakes from persistent toxic compound accumulation in fish) and the procedures to follow are clear. The regulation is also consistent with the federal regulation, so there is no reason to change this particular state regulation.

The General Assembly should direct the Water Pollution Control Board to maintain in Indiana the wording of the 1990 antidegradation regulatory language (for the Great Lakes Basin regions in Indiana, including the federal bioaccumulative chemical of concern antidegradation policy)

and not to change it until federal rulemaking on antidegradation has clarified a consistent national policy.

IDEM should establish a work group of representative stakeholders to monitor and contribute to the development of the federal antidegradation regulation in order to develop an appropriate Indiana draft regulation in an appropriate and timely manner.

E. The current general factors for assigning the special categories of waterbodies such as Outstanding National Resource Water and Outstanding State Resource Waters should be changed and expanded to increase commitment of the State for special and more appropriate controls on potential dischargers and land use in certain watersheds.

The current Indiana regulation establishing a category of "Outstanding State Resource Waters" with the requirement that no degradation occur, taken literally, places the State in the untenable position of having no discretion but to discourage or prevent many types of alteration to a point source or land use which the State considers beneficial. With the extraordinary public health, environmental health and economic development challenges facing the expansive area of northern Indiana communities that drain into waters going to Lake Michigan, assigning Lake Michigan to such constraints is counterproductive.

The core intent of the special categories is to protect waters already pristine and to improve the Lake Michigan water quality, a waterbody with multiple uses and accepting drainage from urban, industrial and agricultural lands. This intent should be maintained and the policy adjusted to assure this happens more expeditiously and with less interference with other critical quality of life and public health objectives.

We note that the surface water regulations themselves are set to maintain and improve all water quality in the State. These other special categories of waterbodies are either to "maintain and protect" an already pristine situation or to establish a special State commitment to achieve such goals faster or to achieve different water quality objectives, such as aesthetic.

We note that it is necessary for the state government to have the authority to assign certain waters which "constitute an outstanding National resource, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected." (40 CFR 131.12(a)(3)) Because the ramifications of this could have widespread economic and environmental significance, the General Assembly should make that assignment of "Outstanding National Resource Waters" in Indiana.

1. The General Assembly directs the Water Board to adjust the factors for special categories of waters consistent with the following general guidelines:

a. Outstanding National Resource Waters-Waters which constitute an outstanding National resource, such as waters of National and State parks and

wildlife refuges and waters of exceptional recreational or ecological significance and for which the water quality is to be maintained and protected in its existing state with no degradation allowed. The designation of the Outstanding National Resource Waters should be made by the General Assembly.

b. Outstanding State Resource Water-Waters with this designation shall have a State Commission established to monitor the water quality studies performed, to set chemical, physical and biological parameter goals to attain and maintain, to facilitate public discussion and involvement, to suggest antidegradation goals and to monitor progress toward attaining its water goals. Each Commission composed of representative stakeholders from the affected area should have funds to support scientifically sound studies in their waterbody. The first Commission established should be the Lake Michigan Water Quality Commission.

2. The General Assembly should establish a process to declare certain waterbodies Special Native Habitat Waters and to manage appropriately the drainage basins feeding them. Such Special Native Habitat Waters should be fed or recharged by waters from land which is managed as natural; no alteration to that land use should be allowed which would adversely alter the natural quality of surface water runoff; no increased point source discharge measured by flow, concentration or load should be allowed. Because such a designation severely restricts the economic development potential of the land, the designation should be made by the General Assembly or the Governor and development rights from private landholders be purchased by the State.

F. Indiana must have scientifically-based, appropriate designated uses for Indiana waterbodies.

Some waterbodies in Indiana have had designated uses assigned them by regulation which could never achieve the use. Assignments were made by IDEM in absence of demonstration of the possibility of the attainment due to lack of IDEM resources.

The absence of scientific demonstration by IDEM of appropriate designated uses for Indiana waterbodies has resulted in some seriously flawed permitting dilemmas. For instance, regulating land uses and point source discharges to protect daily swimmers is appropriate only in those Indiana waters where there could be daily swimmers needing that protection.

Certain stretches of streams have different potential uses than others. Public and private resources should be targeted at achieving and maintaining high quality of water for all appropriately designated uses; extra resources should not be devoted toward achieving a water quality necessary only for inachievable uses.

IDEM should explore adding subcategories of the fishability and aquatic protection designated

use to stream segments which by their physical environment would not meet the ideal use category. For instance, an urban aquatic community and an agriculture drainage ditch aquatic community would be different habitats than those streams which could flow in a manner to support a more "natural" habitat. When watershed TMDLs are established, those subcategories should be the endpoint uses for those waters while downstream segments with other designated uses would still be protected at those downstream points.

IDEM should be directed to study those waterbodies where there could be doubt about potential of achieving a particular designated use before requiring point sources or non-point sources to invest in control measures to meet a standard of that use. Procedures for community demonstration of use attainability should be prepared using a public process.

G. The State should establish a coherent policy on sediment quality and on biological integrity as an indicator of the aquatic health of a waterbody.

### 1. Sediment Policy

Sediments serve a critical role in the function and character of an aquatic ecosystem. Small and large organisms live in them and off of them. What is a good sediment is not a straightforward measurement. Its very presence at certain times hurts certain biological systems and is essential to others. Different biological systems thrive under different sediment conditions. However, if the State declares that a particular waterbody shall be managed for a particular aquatic ecosystem then general guidelines can be established for the appropriate sediment character desired.

Establishing particular chemical characteristics as being acceptable or unacceptable for a particular aquatic ecosystem is much more problematic, as USEPA researchers have discovered as they have tried to craft a national sediment quality policy. Thus far, setting concentrations and setting policy on thoroughness of information from sampling data is best left to be a site-specific determination.

IDEM should develop general, scientifically-based policies about sediment remediation using risk-based techniques consistent with its current policy development about remediation policies for contaminated soil.

A general statement as proposed in the current triennial review rulemaking to say it is a minimum criteria that all sediment should be okay at all times is too vague to provide useful guidance to understand what is expected and yet provides apparently unbridled authority to IDEM to enforce its own judgment about sediment quality. General authorities already exist for IDEM to act if it believes public or environmental health are threatened by water pollution.

An improvement on policy for sediments, in particular on the general authorities of IDEM, should be made with careful deliberation involving the public. It should be made with an understanding of the nature of sediments an expanded language is to address, current status of the

sediments with respect to the changes in policy the new policy is intended to address and the anticipated impacts on government, regulated and habitat as the result of the new wording. The intended and unintended effects that the new wording would have both on sediment remediation decisions and on regulation of discharge of substances by point and non-point sources should be considered.

## 2. Biological integrity criteria policy

The ultimate objective for the aquatic ecosystem protection aspect of surface water quality is to restore and maintain desired habitats.

Establishing exactly what those desired habitats are for each part of each waterbody is an important challenge. It is a challenge to establish a scientific formula and method to evaluate a naturally changing mix of organisms to determine what is the "current" situation over a particular several year period. It is also an important policy challenge to determine just what ought to be the ideal mix of organisms in an altered waterbody.

The current proposed triennial rulemaking gives absolute authority to IDEM to enforce against any permit holder to achieve what IDEM determines to be the answer to the two questions of how to evaluate the organisms' quality and type as being good or bad and of how to determine which waterbody should have which type of "good" mixture. In fact, in wording currently proposed, a discharger could be accused by IDEM of violating the standard any time the quantity and type of organisms differs from IDEM's current judgment of what should be there.

Expanded attention in developing the tools to evaluate biological integrity of Indiana waterbodies is good. Increased evaluations are good. Adjusting permits so that measurable discharge limits will, in IDEM's technically-based judgment, cause the desired biological integrity to be achieved is good.

IDEM should continue these efforts and should do so with the involvement of all interested stakeholders.

IDEM should report to the Environmental Quality Service Council in writing its policy suggestions and implications for an expanded sediment criteria policy and biological integrity criteria policy. The Water Pollution Control Board should be prohibited from promulgating regulations changing the nature or extent of its authority over sediments as criteria or adding biological integrity as criteria until the completion of the study.

## **EQSC UNDERGROUND STORAGE TANK SUBCOMMITTEE REPORT**

The Underground Storage Tank Subcommittee met to discuss issues related to the December 22, 1998 upgrade deadline imposed by U.S. EPA. Two issues of interest were raised and studied by

subcommittee members, including:

1. How IDEM intended to enforce the pending deadline.
2. The possibility of expanding SEA 158-1998, the underground storage tank grant program, to a small number of marketers who, due to lack of information and timing were not able to take advantage of the program.

## UST UPGRADE ENFORCEMENT

With regard to the first issue, the Indiana Petroleum Council and the Indiana Petroleum Marketers and Convenience Store Association had expressed concern that IDEM was not working effectively toward the development an enforcement program that would be in place on December 23, 1998. The petroleum industry had gotten mixed signals from the agency regarding the agency's authority as well as their intent to aggressively enforce the upgrade requirements.

The establishment of the subcommittee encouraged the agency and the industry to begin meeting to develop an enforcement program. The agency has already sent out to all registered tank owners a memorandum which reminds them of the impending deadline, provides a summary of the requirements, and, most importantly, sends a very strong message that the deadline will not be extended under any circumstances. The memorandum also included a summary of penalties the agency is prepared to assess for noncompliance.

Because much of the agency's historic information regarding upgrades made to USTs has been lost, the agency will soon be mailing to all registered tank owners an "Affidavit of Compliance" form. The agency will require all owners to complete the affidavit by indicating which type of upgrades have been made and require a signature of a responsible person under penalties of perjury. The agency has indicated that those who do not send a completed affidavit back will be the first to be inspected for compliance.

Suppliers of fuel products can and will rely on the affidavits as well. Suppliers will be apprehensive to supply fuel to tanks which have not been upgraded. Many fuel suppliers have developed their own form for upgrade certification while others are likely to request copies of the forms provided to the agency. A continuing concern for suppliers is the possibility of having to decide whether to supply product for essential services (for example: school corporations for buses, police and fire departments, ambulance, highway departments, etc.) when no upgrades have been made.

Finally, the agency will publish a nonrule policy document in the Indiana Register which will provide the regulated community guidance on how the agency will determine penalties for violations of the upgrade requirements.

The subcommittee recommends that in 1999 the EQSC continue oversight and receive reports of

the agency's progress in enforcing the upgrade requirements.

## UST GRANT PROGRAM

Subcommittee Chairman Wolkins indicated his desire to attempt to expand the UST grant program, which was authored by Senator Gard in 1998 and has proven to be a very successful program.

Senate Enrolled Act 158-1998 provided \$600,000 to be used for grants to persons wishing to close or remove underground storage tank facilities. The grants were only made available to owners/operators who are going out of the fuel business, are registered and current with payments to the excess liability fund, and have adjusted gross incomes of less than \$50,000 each of the last five years. The program has been ably administered by the Indiana Development Finance Authority.

Members of the subcommittee indicated that they had become aware of a few marketers who closed their tanks between January 1, 1998 and June 30, 1998 (the effective date of the legislation was July 1, 1998) who could have taken advantage of the closure grant program if they had known about it.

IDFA provided testimony that approximately 8 to 12 owners/operators who closed during that time period may have qualified for the grants. Chairman Wolkins indicated his desire to find funding and amend the statute in order to allow them into the program provided they meet all the requirements. The average tank closure under the grant is costing approximately \$10,000.

## **V. COUNCIL FINDINGS AND RECOMMENDATIONS**

The EQSC members voted unanimously (by voice vote) to adopt the EQSC Underground Storage Tank Subcommittee Report and recommendations. (November 12, 1998)

The EQSC members voted unanimously (by voice vote) to adopt the EQSC RISC Subcommittee Report and recommendations. (November 12, 1998)

The EQSC members voted unanimously (by voice vote), with Mr. Hamilton abstaining, to adopt the EQSC Non-Point Source Subcommittee Report and recommendations. (December 3, 1998)

The EQSC members voted unanimously (by voice vote) to adopt the EQSC Agricultural Buffer Zone Subcommittee Report and recommendations. (December 3, 1998)

The EQSC members voted unanimously (by roll call vote), with Mr. Hamilton abstaining, to adopt the EQSC IDEM Staffing Subcommittee Report and recommendations. (December 3, 1998)

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Commission can be accessed from the General Assembly Homepage at <http://www.state.in.us/legislative/>.

## WITNESS LIST

Bill Beranek, Indiana Environmental Institute  
Chris Braun, Indiana Petroleum Marketers and Convenience Store Association  
Erika Seydel Cheney, Indiana Department of Environmental Management (IDEM)  
Tom Cobb, IDEM  
Lynn Cruse, Residents Against Polluting Environments (R.A.P.E.)  
Representative Cleo Duncan.  
John Hamilton, IDEM  
Louise Hawthorne  
Bill Hayden, Sierra Club  
Dave Hensel, IDEM  
Larry Kane, Indiana State Bar Association, Environmental Law Section  
John Kyle, Barnes and Thornburg  
Jeff Langbehn, Lake County Solid Waste Management District,  
Tim Maloney, Hoosier Environmental Council  
Tim Method, IDEM  
Tom Neltner, IDEM  
George Pendygraft, Indiana Gas Company.  
Mike Pitts, Indiana Petroleum Marketers and Convenience Store Association  
Glenn Pratt  
Matt Rueff, IDEM  
Rae Schnapp, Hoosier Environmental Council  
Scott Schutte, City of Indianapolis and the Intermunicipal Task Force (ITF)  
Grant Smith, Citizens Action Coalition  
Jeff Stant, Hoosier Environmental Council